

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

August 7, 2014



Conditional Use Permit case no. CU 14-06: Bristol Village Partners, LLC

CASE DESCRIPTION: a request for approval of a Conditional Use Permit to allow an apartment development with up to 71 dwelling units in a Retail District (C-2)

LOCATION: 1401 Bristol Street, being 2.984 acres of land located between East 29th and Avon Streets

LEGAL DESCRIPTION: part of Lot 2 in Block 1 of Patricia Place Subdivision

EXISTING LAND USE: vacant acreage

ZONING: Retail District (C-2)

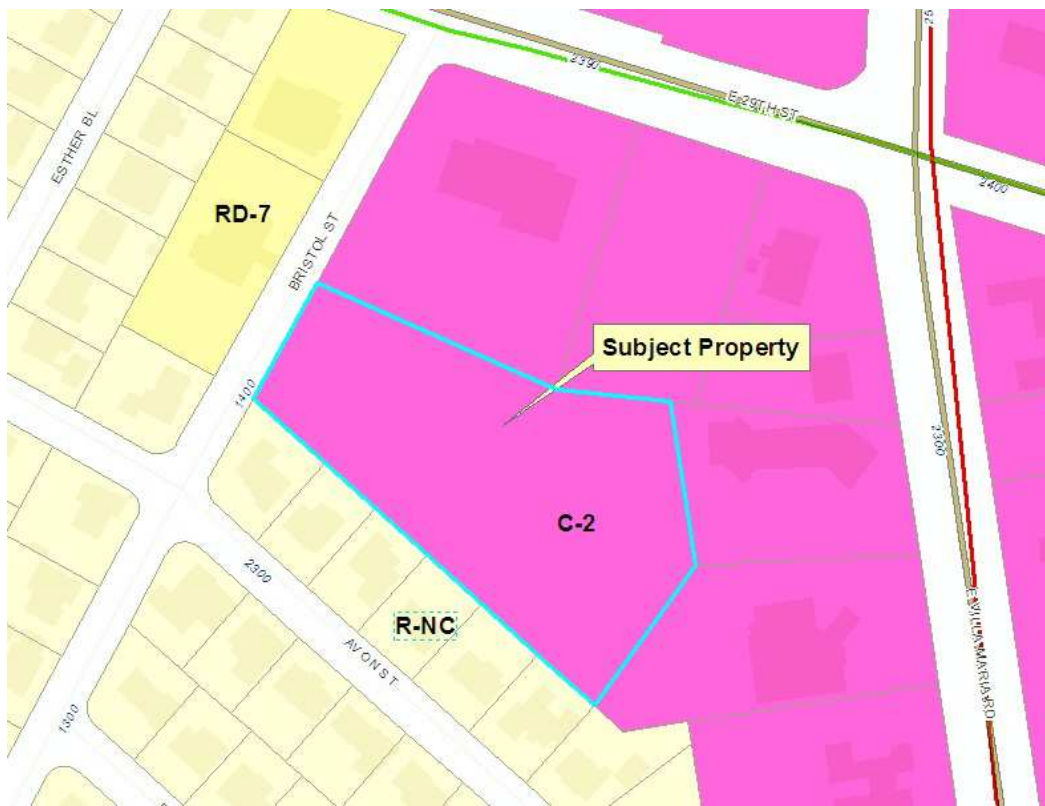
APPLICANT(S): Jeff Brown – RoseRock Capital Group/Bristol Village Partners, LLC

AGENT: Joe Schultz, P.E. – Schultz Engineering

STAFF CONTACT: Martin Zimmermann, Planning Administrator

SUMMARY RECOMMENDATION: Staff recommends **approving** the request, **subject to certain conditions**. Please see page 12 of this staff report for a more detailed description of staff's recommendation.

LOCATION MAP AND AERIAL PHOTOGRAPH:



BACKGROUND:

The subject property is a vacant 2.984 acre tract with direct frontage along the 1400 block of Bristol Street, 300 feet south of its intersection with East 29th Street. Development surrounding the vacant subject property consists of medical office/retail uses to the east and northeast as well as a funeral home (Hillier's Funeral Home) to the immediate north. Those adjacent properties are in the same Retail District (C-2) as the subject property. Properties located directly to the south of the subject property, fronting Avon Street, and to the southwest, across Bristol Street, are developed with single-family residential homes and zoned Residential-Neighborhood Conservation District (R-NC). The Brazos County Senior Citizen Association and a medical office building are located on properties adjoining the west side of Bristol Street, across from the subject property. Those properties are zoned Residential District – 7000 (RD-7).

For many years the subject property served as the personal residence of Jack W. Lester Sr. who, between 1957 and 1968, developed Lester's Windover Place, Installments 1 through 3. During the early 1980s, the house on the property was heavily damaged by fire and since the removal of the structure in the mid-1990s this 2.984-acre portion of the original tract has remained vacant. Lots subdivided from the original Lester home site tract with direct access to East 29th Street and East Villa Maria Road were developed between 1996 and 2005. The subject property was assigned its current C-2 zoning designation when the City of Bryan adopted zoning. A rezoning request to C-1 (Office) District (case no. RZ05-03) was considered by the Planning and Zoning Commission and the City Council in mid-2005, but was never completed.

The applicants/property owners, Bristol Village Partners, LLC, desire to develop a 71-unit multi-family apartment development on the subject property, as shown on the conceptual site plan attached to this staff report. The 71 units are proposed to be arranged in five new buildings on the property, varying in height of two and three stories, up to a maximum height of 40 feet. The new buildings are planned to be surrounded by off-street parking areas and landscaping. A detailed landscaping analysis can be found on the landscaping plan that is attached to this staff report. Access to the site is proposed via a driveway on Bristol Street and a shared access easement through an existing medical office development to the east, to E. Villa Maria Road.

Within C-2 zoning districts, multi-family residential developments are potentially allowed but only with approval of a Conditional Use Permit from the Planning and Zoning Commission. The applicants are seeking approval of such a Conditional Use Permit, which, if approved, would allow the development of the proposed multi-family residential development on the subject property.

In the context of Bryan's Zoning Ordinance, a conditional use is one which may be appropriate at some but not all locations in the zoning district where potentially allowed. General criteria to be used in making such determinations are expressed in Section 130-33 of the Zoning Ordinance, which concerns Conditional Use Permit review. The Conditional Use Permit process provides for a procedure whereby certain land uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate any potential adverse impacts. Consideration of a Conditional Use Permit allows the Planning and Zoning Commission to impose appropriate conditions that may be necessary to integrate the proposed multi-family residential use in this particular environment.

The case is being forwarded to the Planning and Zoning Commission for consideration with a conceptual site plan. If this request were approved, a complete set of site plan drawings in conformance with requirements of Chapter 62, Land and Site Development, of the City's Code of Ordinances must be submitted to, and reviewed and approved by the City's Site Development Review Committee (SDRC), before any building permits for construction may be issued.

EXCERPT FROM APPLICANTS' CONDITIONAL USE PERMIT APPLICATION:

Conditional Use Permit Supplement E

Minimum Requirements:

- ☒ 15 Folded copies of Site Plan



Please list the reasons for this conditional use permit request:

The land at 1401 Bristol Street has been advertised and marketed for commercial, and medical office use in earnest for the past eight years (three by previous owner and five by current). It has been listed for lease for office/medical use with Oldham/Goodwin real-estate for the past two years. We have not had one single tenant approach us for use. The abundance of inexpensive clinical and office space owned or controlled by St. Joseph's Hospital adversely affects the market and it does not appear to be changing anytime soon. Further affecting any office, retail or related use is its lack of visibility to the major streets in the area and the amount of existing office space available in the immediate area surrounding the tract.

This request is for this tract to be a multi-family residential development designed to support the medical uses in the area by providing housing for professional and technical staff and fully furnished units for use by cancer center/ hospital patients and families. This project will also be a transition in use between the existing commercial and retail uses and the single family neighborhood. The multi-family units will be limited to 2 story buildings adjacent to the single family residential zoning with a 30' minimum width buffer area.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a new Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making a decision regarding this particular request:

Chapter 5: Land Use

Use-Specific Land Use Policies

High Density Residential land will predominantly consist of housing types such as apartments but may consist of other types as long as densities are high, ranging from 9 to 24 dwelling units per acre. These uses should be located in areas that are along collector or arterial streets mid-block, where appropriate.

Land Use Goal #1:

Achieve a sustainable mix of land use types in suitable locations, densities, and patterns by limiting the locations of large-scale multi-family developments to areas within an identified proximity to Blinn College and Texas A&M University.

Land Use Goal #2:

The City of Bryan will facilitate orderly, efficient and attractive development, redevelopment, and infill.

Citywide Land Use Policies

All land uses should be located such that appropriate buffers separate dissimilar uses. Buffers include, but may not be limited to transitional land uses, floodplain areas, parks, landscaping or natural and man-made features;

ANALYSIS:

Approval of a Conditional Use Permit by the Planning and Zoning Commission shall be based upon the following criteria.

1. Whether the proposed conditional use conforms to applicable regulations and standards established by the Zoning Ordinance.

Physical development of the proposed 71-unit multi-family development on this site is planned to comply with the standards and limitations that generally apply to properties zoned Multiple-Family District (MF), including, but not limited to, regulations concerning density, building height, coverage, access, screening, landscaping, and parking. Although the property is zoned for retail use, staff believes that applying the standards that generally apply to MF-zoned properties in Bryan is appropriate in this particular case and preferable to the development standards for retail construction, to help integrate the development in the existing environment at this transitional location between single-family residences and retail/office uses.

The conceptual plan submitted for consideration shows an arrangement of buildings, off-street parking areas and landscaping on this 2.984-acre site that complies with all applicable standards of both the C-2 and MF zoning districts. No variations from adopted standards of the Bryan Code of Ordinances are being requested for the proposed development. The exterior of the five new buildings proposed on this property will be made of a combination of stone, stucco, pre-finished metal wall panel as well as wood railing and screening. The submitted elevation drawings depict an attractive, modern apartment development intended to be a contributive element to neighborhood cohesion and not one that detracts from the overall neighborhood perception.



Figure 1: proposed building elevations



Figure 2: proposed building elevations

Since the submitted drawings are conceptual in nature, staff recommends that, should the Commission be inclined to approve the requested, that any such approval be made subject to the submission of a site plan in conformance with requirements of Chapter 62, Land and Site Development of the Bryan Code of Ordinances, before any building permits for construction may be issued. Staff also recommends that any approvals reference the submitted elevation drawings to help guarantee that exterior building construction conforms to the design proposed by the applicants.

2. Whether the proposed conditional use is compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.

The subject property is located in an area that is surrounded by existing development on all sides, with the exception of a vacant tract zoned for retail development located north of the subject property along East 29th Street. Other properties to the east, north and northeast are developed for office/medical uses, while properties to the south and south west are developed with single-family homes.

Staff believes that the proposed 71-unit multi-family residential development on the subject property is appropriate in this particular environment and may serve as useful transition between more intense commercial uses adjacent to the busy intersection of East 29th Street and East Villa Maria Road, and the established residential neighborhood that extends to the south and southwest of the subject property.

Several proposals for a multi-family residential development at this location have been submitted by the applicants and reviewed by the City's Site Development Review Committee (SDRC) since 2010. The requirement for Conditional Use Permit approval, in this particular case, has allowed planning staff to suggest arrangement of buildings, landscaping, and open space, to help mitigate any potential ill effects from the proposed construction of multi-family dwellings on this property as much as possible. The proposed arrangement and scale of buildings attempts to mitigate potential negative effects due the overall building mass and height by the use of screening, landscaping and building orientation, limiting the amount of building facades directly facing neighboring single-family uses along the south side property line of the subject property. Properties on the west side of Bristol Street, while currently zoned RD-7 District, are currently occupied by a senior center and medical office use.

It is important to note that development standards for properties zoned C-2 District allow potentially much more invasive nonresidential building construction at this location that could be detrimental to the adjoining residential neighborhood, without the requirement for prior Conditional Use Permit approval. For example, C-2 zoning would allow an up to 80-foot tall hotel or office building (6-7 stories in height), by right, to be built within 30 feet of the south side property line. The two tallest of the five buildings proposed with this development are planned to be no more than 40 feet in height. Those buildings are proposed to be located along the north side of the site, at least 150 feet from any property occupied by a single-family home.

All new buildings proposed with this development are planned to range in height from 30 feet for two-story and up to 40 feet for three-story structures. Two buildings proposed to be located closest to the single-family residential lots fronting Avon Street (Buildings 1 and 5) will have a step-up design, from two-stories closest to the property line shared with single-family home sites, to three-stories towards the interior of the property. The portions of the buildings that are proposed to be three-stories in height will be set back at least 80 feet from any property

occupied by a single-family home, or about 93 feet from any residential structure currently located on an adjacent property. In addition, Building 4, a proposed two-story structure, will be orientated so as to help screen proposed off-street parking areas from the adjacent single-family residential properties as much as possible.

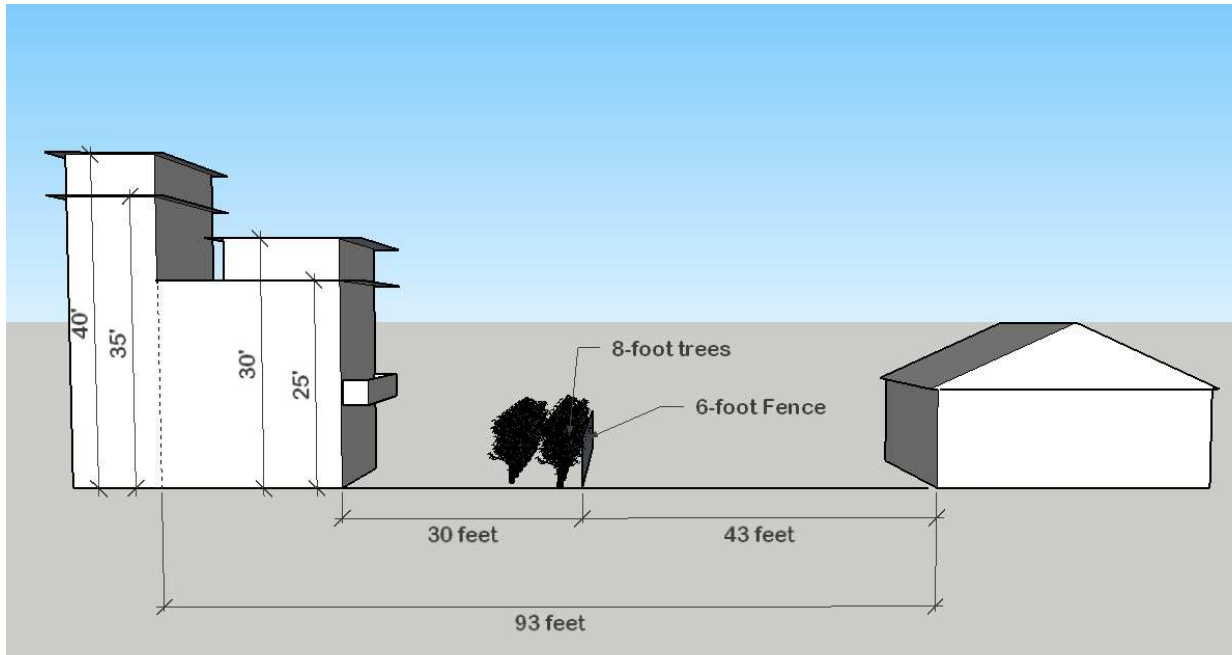


Figure 3: minimum separation between existing single-family residences and proposed multi-family residential buildings.

Staff contends that the height and scale of the proposed building arrangement on the subject property, while taller than one story, is still compatible with the existing and permitted uses on abutting sites and preferable to many nonresidential buildings that could be built on this property.

The proposed site layout is also intended to help preserve several large Live Oak trees (24" to 36" trunk in diameter) on the subject property. The attached landscaping plan shows more than the minimum amount of landscaping required by current ordinance standards (11,025 landscaping points) for a 30-foot wide buffer area along the 586-foot long property line that the subject property shares with 6 single-family residential home sites. The landscaping in this buffer area will consist of 18 canopy trees, at least 8 feet in height and with a 3-inch trunk diameter at the time of planting, as well as 21 non-canopy trees with a 3-inch trunk diameter. The remaining green space on the site is proposed to be landscaped with 42 canopy trees, 22 non-canopy trees, 90 shrubs and grass cover for a total of 23,476 landscaping points. In all, the development proposes landscaping in excess of 34,000 points, which exceeds the minimum required by the Land and Site Development Ordinance by almost 4,000 landscaping points, or about 12 percent.

3. Whether and the extent to which the proposed conditional use potentially creates greater unfavorable effect or impacts on other existing or permitted uses on abutting sites than those which reasonably may result from the use of the site by a permitted use.

Staff maintains that the proposed 71-unit multi-family residential development at this location would create fewer unfavorable effects or impacts on abutting properties than many potential commercial developments that are permitted to locate on the subject property by right. The fact that the property is zoned for retail use rather than multi-family residential use affords the Planning and Zoning Commission an extra measure of control, in this particular case, in the form of the Conditional Use Permit review that would not otherwise exist. For example, an automobile service station, hotel, or any retail use such as fast food restaurants or strip-center retail buildings could locate on this property without Conditional Use Permit approval. Staff believes that any of these aforementioned uses could create potentially more negative effects on neighboring properties than the proposed apartment project.

4. Whether and the extent to which the proposed conditional use affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

The City's Code of Ordinances has no specific requirements for the preparation of a traffic impact analysis (TIA) for review/approval of Conditional Use Permits. However, Section 62-297, Parking and Circulation, of the Land and Site Development Ordinance states "When necessary, an additional traffic impact analysis may be required to determine the impacts of a development on the off-site public street system." In response to concerns voiced by adjacent property owners during a meeting with City staff on July 10, 2014, concerning the proposed development, the City commissioned a traffic assessment for the proposed 71-unit multi-family residential development with a third party traffic consultant, Mike McInturff, of HDR, Inc. in College Station. The traffic assessment concluded the following:

- **Based on the size of the proposed multi-family residential development (71 units), an estimated trip generation of 554 trips in a 24-hour period can be expected, using recommendations and data contained in the current version of the *Trip Generation Manual*, 9th Edition, published in 2012 by the Institute of Transportation Engineers (ITE). Note: a trip is when one user enters or exits the property; pedestrian and public transportation traffic as well as vehicular traffic is considered in this number.**
- **It is estimated that the proposed 71-unit development would only generate 57 total trips in the P.M. peak hours (between 4 p.m. and 6 p.m.) and 39 trips in the A.M. peak hours (between 7 a.m. and 9 a.m.)**
- **Based on its estimated trip generation characteristics of an estimated 554 trips per day, the proposed multi-family residential development would not be required to conduct a TIA in the City of College Station or most other cities in Texas.**
- **Vehicular trips to/from the site have access directly to East Villa Maria Road and East 29th Street (via Bristol Street), two major arterials which provide connectivity to other parts of the city. Traffic signals along these two arterials will create gaps in the traffic stream to allow turning maneuvers to and from the site.**

- Other uses that are allowed by right in C-2 zoning districts, including general office, general retail and restaurants would generate considerably more trips than the proposed multi-family residential development (see table below).

Table 1
Summary of Unadjusted Daily and Peak Hour Trip Generation

Option	Land Use	ITE Code	Size	24-Hour Two-Way Volume	AM Peak Hour			PM Peak Hour		
					Enter	Exit	Total	Enter	Exit	Total
1	Apartments	220	71 DU	554	8	31	39	37	20	57
2	General Office	710	36,900 sq. ft.	649	80	11	91	21	102	123
3	Medical Office	720	26,400 sq. ft.	954	50	13	63	26	68	94
4	Shopping Center	820	23,000 sq. ft.	2,613	39	24	63	107	116	223
5a	Shopping Center	820	8,000 sq. ft.	1,315	21	13	34	53	57	110
5b	Restaurant	932	9,800 sq. ft.	1,246	58	48	106	58	57	115

Assumptions for estimation of land use sizes:

1. Parking and buildings as proposed by developer
2. Modification of site plan to eliminate Buildings 1 and 4 and increase available parking to 132 spaces
3. Modification of site plan to eliminate Buildings 1 and 4 and increase available parking to 132 spaces
4. Modification of buildings to single story and maintain available parking at 92 spaces
5. Modification of site plan to eliminate Building 4, convert Buildings 1, 3 and a portion of Building 5 to restaurant use, convert Building 2 and a portion of Building 5 to retail use, and increase available parking to 112 spaces

- There are approximately 125 single family homes located in the neighborhood to the south of the subject site. The neighborhood is expected to generate 1,290 daily trips. Each of the streets within this neighborhood intersects with Bristol Street between East 29th Street and Rusk Drive near Carter Creek Parkway. The daily traffic volume on Bristol Street is 1,070. Since Bristol Street is one of only two streets from the neighborhood which intersect the adjacent arterials, it can be expected to have larger traffic volumes than other streets in the neighborhood.
- The estimated vehicular trips to be generated by the site will represent a very small percentage of the adjacent arterial traffic volume (less than 2%).

Based on these conclusions, staff believes that the proposed multi-family residential development will not affect the safety and convenience of vehicular and pedestrian circulation in the vicinity any more negatively than traffic that can reasonably expected to be generated by other land uses that could be developed on this 2.9-acre site. Staff believes that, so long as off-street parking will be provided in accordance with requirements of the Land and Site Development Ordinance, residents, employees and visitors of a multi-family development at this location will be able to park their automobiles on the subject property and not on Bristol Street.

5. Whether and the extent to which the proposed conditional use would reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

Any new development on this property, including the proposed apartment development, will be required to meet City regulations concerning erosion, flood, fire and other hazards and impacts. Detailed site and building plans are required to be submitted for City approval prior to the construction of any development on the subject property. These plans are required to show that adequate on site detention of stormwater run-off created as a result of the development of this property. No variations from existing standards are being requested and no portion of this property is located within the FEMA recognized floodplain.

Staff believes that the 30-foot wide landscaped buffer area, within which no development, except for landscaping, screening and stormwater detention facilities is allowed, will help mitigate any potential negative impacts from noise or glare. In order to further mitigate any potential impacts from outdoor lighting on adjacent single-family residences, staff recommends that the Commission make any approval of this Conditional Use Permit request subject to lighting standards that stipulate that lighting be directed away from lots in residential use, outdoor lighting from the site, when measured at the property line does not exceed certain intensity, and limit the height of outdoor lighting fixtures.

6. Whether and the extent to which the proposed conditional use adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

The subject property's C-2 zoning classification would allow a freestanding sign with 100 square feet of sign area at a height of up to 35 feet on the subject property. Staff proposes to limit freestanding signage to one low profile sign with a maximum height of 6 feet and a sign area of 60 square feet. Staff believes that such a limitation is appropriate in this particular environment and will help prevent the emergence of uncharacteristically large signage in close proximity to single-family homes.

Staff believes that the adjacent public street network will be capable of accommodating the new traffic that can be expected to be generated by the proposed development. An adverse effect on traffic control is not expected. As mentioned in the traffic assessment summary above, vehicular trips to/from the site have access directly to East Villa Maria Road and East 29th Street (via Bristol Street), two major arterials which provide connectivity to other parts of the city. Traffic signals along these two arterials will create gaps in the traffic stream to allow turning maneuvers to and from the site.

7. Whether and the extent to which the proposed conditional use provides adequate and convenient off-street parking and loading facilities.

For a multi-family residential development of this size (71 units, 85 bedrooms), Bryan's Code of Ordinances requires a minimum of 85 off-street parking spaces (1 parking space per bedroom). The attached site plan shows 92 proposed off-street parking spaces which is 8% more than the minimum number of required spaces. Staff therefore concludes that the amount of off-street parking proposed for this development is adequate. All proposed off-street parking areas will be screened from view from Bristol Street and adjacent properties with landscaping and by the placement of the proposed buildings.

8. Whether the proposed conditional use conforms to the objectives and the purpose of the zoning district in which the development is proposed.

Multi-family residential dwellings are potentially allowed in C-2 Districts, with approval of a Conditional Use Permit, as they may be appropriate in some, but not all commercial zoning districts. Staff believes that, in this particular case, the proposed 71-unit multi-family development on the subject property will result in a balanced arrangement of land use intensities in this area, which is already developed with both commercial and residential uses. As mentioned above, the development of an apartment development in the scale proposed may provide as a useful transition from higher intensity commercial uses along East 29th Street to less intense single-family residential uses on properties to the south and southwest of the site.

9. Whether the proposed conditional use will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Staff is unable to discern any potential detrimental issues that could arise from the development of the proposed 71-unit multi-family residential development that could not be mitigated through the application of adopted City standards and policies, or this Conditional Use Permit review. Staff acknowledges that any development on the property will change the status quo on this currently vacant 2.9-acre property and its vicinity. Staff contends, however, that this change will produce fewer unfavorable effects than if one of the several other permitted uses in this C-2 District were to develop on the property.

10. Whether the premises or structures are suitable for the proposed conditional use.

The subject property has remained undeveloped for many years. There appears to be an abundance of vacant office space in the area surrounding nearby St. Joseph Hospital, a subject that is currently being discussed as part of the Health and Wellness District master planning effort by the City of Bryan and St. Joseph Hospital in conjunction with a planning team led by consultants Looney Ricks Kiss (LRK).

Staff contends that the subject property, if developed in the manner proposed is suitable for the proposed conditional use and will be an attractive, modern apartment development that can help make the area around St. Joseph Hospital a distinct and successful place where people want to live, work, and play.

RECOMMENDATION:

Based on all of these considerations, staff **recommends approving** the requested Conditional Use Permit to allow a 71-unit multi-family residential development on this property in a C-2 zoning district. Staff's positive recommendation, however, is **subject to all of the following conditions:**

1. **That the multi-family residential development shall generally conform to the site plan attached to this staff report.**
2. **That the multi-family residential development shall conform to standards and limitations that generally apply to properties zoned Multiple-Family District (MF), including, but not limited to regulations concerning density, building height, coverage, access, screening, landscaping, and signage.**
3. **The design and architectural style of all buildings on the subject property shall generally conform to the building elevations attached to this staff report.**
4. **That outdoor lighting shall be directed away from lots in residential use located nearby.**
5. **That outdoor lighting shall not exceed the following levels:**
 - a. **0.50 footcandle at the property line where the subject property abuts a residential zoning district or a lot containing a residential use; and**
 - b. **1.00 footcandle at the property line where the subject property abuts a nonresidential zoning district or lot containing a nonresidential use or at the right-of-way line.**

- 6. Outdoor lighting shall not exceed a maximum height of 12 feet.**
- 7. That freestanding signage shall be limited to one low profile sign with a maximum height of 6 feet and a sign area of 60 square feet.**
- 8. That a site plan fulfilling all the technical requirements for development of a multi-family residential development on the subject property shall be approved by the City of Bryan's Site Development Review Committee (SDRC), before any building permits are issued, as required by Bryan Code of Ordinances Chapter 62.**